

Message Text

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FROM US DEL LOS

USIA FOR IPS AND IBS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: LOS CONFERENCE PRESIDENT'S ASSESSMENT OF WORK

FOLLOWING IS VERBATIM TEXT OF LOS CONFERENCE PRESIDENT AMERASINGHE'S EVALUATION OF THE PROGRESS OF WORK AT END OF 5TH WEEK. TEXT WAS DELIVERED IN PLENARY SESSION 18 APRIL FOLLOWED BY PROPOSAL FOR ORGANIZING REMAINING SESSION. (REPORTED SEPTTEL). SINCE TEXT IS COPY OF AMERASINGHE'S WORKING COPY THE FINAL VERSION, TO BE PUBLISHED AS UN DOCUMENT, WILL DIFFER IN SOME DETAILS. TEXT FOLLOWS. BEGIN QUOTE: (OPENING REMARKS)

AT THE VERY COMMENCEMENT OF THIS SESSION I

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INDICATED THAT AT THE END OF THE FIRST THREE WEEKS

I WOULD PRESENT TO A PLENARY MEETING OF THE CONFERENCE AN EVALUATION OF THE PROGRESS ACHIEVED UP TO THAT POINT. THAT HAS TURNED OUT TO BE AN UNDULY OPTIMISTIC EXPECTATION. AT THE END OF THE FIFTH WEEK, HOWEVER, I FIND THERE IS SUFFICIENT MATERIAL TO JUSTIFY AN EVALUATION OF THE PROGRESS MADE SO FAR. I SHALL DEAL WITH EACH OF THE MAIN COMMITTEES IN TURN.
FIRST COMMITTEE:

ON THE OPENING DAY OF THE CONFERENCE I APPEALED TO THE MAIN COMMITTEES TO START WORK AS SOON AS POSSIBLE. THE FIRST COMMITTEE ACCORDINGLY MET THE FOLLOWING DAY. AT THIS FIRST MEETING, THE COMMITTEE DECIDED TO RECONVENE THE 50-MEMBER, OPEN-ENDED, WORKING GROUP ESTABLISHED IN CARACAS, IN ORDER TO FACILITATE AGREEMENT ON ARTICLES 1-21 RELATING TO THE BASIC PROVISIONS FOR THE REGIME OF THE SEA-BED BEYOND THE LIMITS OF NATIONAL JURISDICTION AND PARTICULARLY ON ARTICLE 9, ENTITLED "WHO MAY EXPLOIT THE AREA", AND OTHER BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE AREA. THE COMMITTEE FELT THAT ITS WORK COULD NOT BEGIN UNTIL SUBSTANTIAL PROGRESS HAD OCCURRED IN THE NEGOTIATIONS PURSUED IN THE WORKING GROUP. THE COMMITTEE THEREFORE DECIDED NOT TO MEET AS A WHOLE BUT RATHER TO GIVE AS MUCH TIME AS POSSIBLE TO THE WORKING GROUP. THE WORKING GROUP RECONVENED IMMEDIATELY ON THE NEXT DAY.

THE WORKING GROUP DEVOTED ITS FIRST MEETING TO AN APPRAISAL OF ITS PROGRESS IN CARACAS AND THE TASKS AHEAD OF IT. AS A THOROUGH AND FRUITFUL DEBATE OVER ARTICLE 9 HAD ALREADY TAKEN PLACE DURING THE WORKING GROUP'S SIX MEETINGS IN CARACAS, THE WORKING GROUP DECIDED TO BEGIN DISCUSSIONS ON THE CONDITIONS OF EXPLORATION AND EXPLOITATION. FOUR PROPOSALS ON THIS QUESTION WERE BEFORE THE WORKING GROUP AT THAT TIME AND HAD BEEN INCORPORATED IN A COMPARATIVE TABLE TO HELP ISOLATE THE VARIOUS POINTS AT ISSUE. THE CHAIRMAN BRIEFLY DISCUSSED EACH PROVISION, NOTED THE DIFFERENCES BETWEEN THE VARIOUS PROPOSALS, AND ASSESSED THE POSSIBILITIES FOR A RECONCILIATION OF PREVAILING
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DIVERGENCIES. FINALLY, THE CHAIRMAN CATEGORIZED THE PROVISIONS ACCORDING TO THEIR RELATIVE IMPORTANCE FOR AN AGREEMENT ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION AS A WHILE. THE CHAIRMAN'S ASSESSMENT RECEIVED SUPPORT FROM ALL SIDES IN THE WORKING GROUP, AND HIS CLASSIFICATION OF THE PROVISIONS INTO TWO CATEGORIES, VIZ: "FUNDAMENTAL ITEMS FOR IMMEDIATE NEGOTIATION" AND "ITEMS OF A SUBSIDIARY CHARACTER",

SERVED AS A GUIDE IN REGARD TO THE SEQUENCE OF SUBJECTS TO BE DISCUSSED IN THE SUBSEQUENT MEETINGS OF THE WORKING GROUP.

THE WORKING GROUP THEN MET FOR FOUR CONSECUTIVE WORKING DAYS TO DISCUSS IN DETAIL THE PROVISIONS WHICH WERE DEEMED TO BE OF FUNDAMENTAL IMPORTANCE. THESE PROVISIONS COULD BE CHARACTERIZED AS BASIC MATTERS OF PRINCIPLE, AS DISTINCT FROM PURELY TECHNICAL MATTERS, WHICH WERE CONSIDERED OF SUBSIDIARY IMPORTANCE. MORE SPECIFICALLY, THE ISSUES OF FUNDAMENTAL IMPORTANCE INCLUDED THOSE RELATING TO THE SCOPE OF THE AUTHORITY'S POWER, THE METHOD OF ENTERING INTO ARRANGEMENTS FOR THE CONDUCT OF ACTIVITIES IN THE AREA, AND THE BASIC PRINCIPLES OF SUCH ARRANGEMENTS, AND THE SETTLEMENT OF DISPUTES.

THE WORKING GROUP BEGAN ITS WORK BY FOCUSING ATTENTION ON THE DETAILED PROVISIONS CONCERNING THE METHOD OF ENTERING INTO ARRANGEMENTS WITH ENTITIES FOR THE CONDUCT OF EXPLORATION AND EXPLOITATION ACTIVITIES AND THE BASIC PRINCIPLES OF SUCH ARRANGEMENTS. IN PARTICULAR, TOPICS SUCH AS THE CRITERIA FOR SELECTION OF CONTRACTORS AND THEIR PARTICIPATION IN SUBSEQUENT STAGES OF OPERATIONS, AND THE NATURE OF THE FINANCIAL ARRANGEMENTS WERE DISCUSSED; FREQUENTLY DELEGATES REFERRED TO OTHER RELATED TOPICS IN THE COURSE OF THE DEBATE.

THESE DISCUSSIONS PRODUCED ENCOURAGING RESULTS. DELEGATIONS AGREED THAT SOME METHOD OF SELECTION AMONG EQUALLY QUALIFIED APPLICANTS FOR MINING RIGHTS IN ORDER TO ENSURE MAXIMUM BENEFITS TO THE AUTHORITY WAS UNCLASSIFIED

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NECESSARY ALTHOUGH THE EXACT NATURE OF THE CRITERIA GOVERNING SELECTION REMAINED UNSETTLED. SOME SEMBLANCE OF AGREEMENT EXISTED OVER THE PRACTICAL NEED FOR PRIORITY BEING ACCORDED IN THE ENTITY THAT HAD BEEN INVOLVED IN EARLIER STAGES OF OPERATIONS FOR THE AWARD OF A CONTRACT FOR A SUBSEQUENT STAGE OF OPERATIONS. THE POSSIBILITY OF CONTRACTUAL RELATIONS COVERING MORE THAN ONE STAGE WAS ACCEPTED BY ALL SIDES.

THE NEXT SUBJECT DISCUSSED WAS THE STAGES OF OPERATION TO BE UNDER THE AUTHORITY'S CONTROL, DISAGREEMENT REMAINED OVER WHETHER THE AUTHORITY COULD CONTROL SUCH STAGES AS SCIENTIFIC RESEARCH, MARKETING, AND PROCESSING, ALTHOUGH, HAVING REGARD TO THE FACT THAT AUTHORITY'S CONTRACTUAL RELATIONSHIP MIGHT COVER

MORE THAN ONE STAGE OF OPERATION, THIS DISAGREEMENT WAS REDUCED TO ONE THAT WAS RELATED MORE TO TECHNICAL CONSIDERATIONS. THESE TECHNICAL ISSUES IN TURN RAISED QUESTIONS ABOUT THE TYPES OF ARRANGEMENTS INTO WHICH THE AUTHORITY MIGHT ENTER. BY THE BEGINNING OF THE THIRD WEEK, THE DECISION TO DISCUSS THE JOINT VENTURE AS A POSSIBLE ARRANGEMENT FOUND NO OPPOSITION IN THE WORKING GROUP.

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AS DIVERGENT POSITIONS HAD BECOME MANIFEST IN CARACAS, MUTUAL AGREEMENTS TO DISCUSS ONE POSSIBLE SYSTEM COULD BE REGARDED AS A SIGNIFICANT STEP TOWARDS THE RESOLUTION OF WHAT HAD SEEMED TO BE A DIFFICULT ISSUE. TAKING NOTE OF THIS IMPORTANT DEVELOPMENT, THE CHAIRMAN CANCELLED THE MEETING OF THE WORKING GROUP FOR THE FIRST TIME IN ORDER TO PERMIT INFORMAL CONSULTATIONS IN SMALLER GROUPS. THESE INFORMAL CONSULTATIONS

CONTINUED FOR THE REST OF THE WEEK AND WERE SUPPLEMENTED BY MORE MEETINGS OF THE WORKING GROUP. IN THESE VARIOUS FORUMS, DIFFERENT TYPES OF JOINT VENTURES WERE INVESTIGATED. THE DISCUSSIONS WERE FACILITATED BY INFORMAL TECHNICAL PAPERS ON JOINT VENTURES WHICH WERE SUBMITTED BY THE SECRETARIAT AS WELL AS BY SEVERAL DELEGATIONS. AS A RESULT, THESE DISCUSSIONS IDENTIFIED PRIMARILY TWO DIFFERENT TYPES OF JOINT VENTURES VIZ:--CONTRACTUAL UNCLASSIFIED

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JOINT VENTURES, WHERE ALL THE DETAILS OF THE ARRANGEMENTS WOULD HAVE TO BE SPECIFIED IN A CONTRACT; AND EQUITY JOINT VENTURES, WHERE A NEW LEGAL ENTITY WOULD BE FORMED AND THE ELEMENT OF CONTROL WOULD BE ESTABLISHED BY THE AUTHORITY THROUGH EQUITY PARTICIPATION IN THE VENTURE. POINTS OF PARTICULAR CONCERN IN EVALUATING THE ALTERNATIVE SYSTEMS INCLUDED THE DEGREE OF FINANCIAL AND ADMINISTRATIVE CONTROL TO BE EXERCISED BY THE AUTHORITY OVER ITS PARTNERS IN JOINT VENTURES, DIRECT EXPLOITATION OF THE AREA BY THE AUTHORITY, THE NATURE OF THE AUTHORITY'S CONTRIBUTION TO THE VENTURE, INCENTIVES FOR PRIVATE OR STATE OPERATORS, AND THE LEGAL PROBLEMS, ESPECIALLY THE APPLICABLE LAW, FOR DIFFERENT TYPES OF ENTITIES IN THE JOINT VENTURE. DELEGATIONS EXCHANGED VIEWS ON ALL OF THESE COMPLEX MATTERS IN A SERIOUS EFFORT TO UNDERSTAND THE IMPLICATIONS OF EACH POSSIBLE ARRANGEMENT AND ULTIMATELY CONCENTRATED ON A SYSTEM THAT WOULD SATISFY THE BASIC INTERESTS OF ALL SIDES. THE DISCUSSIONS HELD DURING THIS THIRD WEEK WERE SO CONSTRUCTIVE THAT THEY LED TO THE FORMULATION OF A SINGLE TEXT ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION TO SERVE AS THE BASIS FOR FURTHER NEGOTIATIONS.

AFTER THREE DAYS OF INTENSIVE INFORMAL CONSULTATIONS, THE CHAIRMAN PRESENTED AN ANONYMOUS PAPER TO THE WORKING GROUP TO SERVE AS A SINGLE NEGOTIATING TEXT. THE PAPER ELABORATES THE BASIC CONDITIONS FOR A CONTRACTUAL JOINT VENTURE. THIS PAPER WAS NOT IN ANY WAY A NEGOTIATED OR SO-CALLED "COMPROMISE" PAPER. SINCE NO DELEGATIONS WERE COMMITTED TO ANY PART OF THE TEXT, IT SERVED ONLY AS A BASIS FOR NEGOTIATION; IN OTHER WORDS, THE ENTIRE PAPER IS NEGOTIABLE. CONCENTRATION IS THE FIRST INSTANCE, ON THIS ASPECT OF THE PROBLEM WOULD NOT PREJUDICE SUBSEQUENT DISCUSSION OF ANY OTHER SYSTEMS OF EXPLOITATION. NEVERTHELESS, IT WAS FELT THAT SHOULD ALL SIDES FIND COMMON AGREEMENT IN A CONTRACTUAL JOINT VENTURE SYSTEM, NEGOTIATIONS OVER OTHER TYPES OF SYSTEMS WOULD MOVE QUICKLY, AND OVERALL AGREEMENT ON THE BASIC CONDITIONS

OF EXPLORATION AND EXPLOITATION WOULD BE WITHIN SIGHT.
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IN THIS SPIRIT, THE WORKING GROUP COMMENCED ITS CONSIDERATION OF THIS SINGLE TEXT ON MONDAY, APRIL 14. THE WORKING GROUP HOPES TO COMPLETE THIS PROCEDURE AS SOON AS POSSIBLE AS NEGOTIATIONS HAVE STILL TO TAKE PLACE ON THE CLOSELY CONNECTED QUESTION OF THE STRUCTURE AND FUNCTIONS OF INTERNATIONAL MACHINERY TO BE ESTABLISHED FOR THE EXPLOITATION OF THE SEA-BED RESOURCES.

IN CONCLUSION, IT IS HOPED THAT THE FIRST COMMITTEE WILL MAKE SUFFICIENT HEADWAY IN ITS WORK ON THE BASIC CONDITIONS OF EXPLORATION AND EXPLOITATION AND THE MACHINERY FOR THE INTERNATIONAL SEA-BED AS TO BE ABLE TO HAVE A SINGLE NEGOTIATING TEXT GOVERNING ITS ENTIRE MANDATE READY AT THE END OF THE PRESENT SESSION. SECOND COMMITTEE:

THIS COMMITTEE, BY REASON OF THE FACT THAT ITS MANDATE COVERS ALMOST THE ENTIRETY OF THE EXISTING INTERNATIONAL LAW OF THE SEA, IS THE PIVOT AND CENTRE OF THIS CONFERENCE.

IN A GENERAL WAY, AND IN A REAL SENSE, IT MAY BE SAID THAT NO MAJOR ISSUE HAS BEEN RESOLVED WITHIN THE SECOND COMMITTEE SO FAR. AS DECIDED IN CARACAS, THE COMMITTEE DID NOT HEAR GENERAL STATEMENTS. THE COMMITTEE UNDERTOOK A SECOND READING OF THE MAIN TRENDS DOCUMENT; ISSUES WERE IDENTIFIED ONCE MORE AND WELL-KNOWN POSITIONS RESTATED. DELEGATIONS FREELY COMMENTED ON THE SPECIFIC FORMULATIONS OF WP.1 AND EXPRESSED THEIR PREFERENCE FOR ONE OR MORE OF THESE FORMULATIONS. QUESTIONS OF REAL SUBSTANCE SUCH AS THOSE CONCERNING THE PROBLEMS OF LAND-LOCKED COUNTRIES AND STRAITS STATES LIE AT THE HEART OF THE PROBLEM IN THIS COMMITTEE. ALTHOUGH IT HAS TOUCHED ON EVERY ISSUE WHILE GOING THROUGH THE SECOND READING OF W.P. 1 DURING ITS INFORMAL MEETINGS, IT HAS NOT ADDRESSED ITSELF SPECIFICALLY TO ANY OF THOSE MAJOR ISSUES WHICH ARE CONSIDERED TO BE ESSENTIAL ELEMENTS OF A PACKAGE DEAL.

THESE ISSUES WERE LEFT TO SMALL INFORMAL WORKING
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GROUPS CONSTITUTED MAINLY BY SPECIAL INTERESTS. THEY EXAMINED SUCH ITEMS AS THE TERRITORIAL SEA, BASELINES, CONTIGUOUS ZONE, TRANSIT AND HIGH SEAS. THE MAJOR PURPOSE OF THE ESTABLISHMENT OF THESE SMALL INFORMAL WORKING GROUPS WAS TO ALLOW DELEGATIONS WITH SPECIAL INTERESTS IN A PARTICULAR SUBJECT TO TRY TO REDUCE THE ALTERNATIVES AND, IF POSSIBLE, TO PRODUCE A SINGLE TEXT. THESE GROUPS ARE STILL IN THE PROCESS OF CARRYING OUT INFORMAL CONSULTATIONS AND, EXCEPT IN A FEW CASES, THEIR WORK CANNOT BE ASSESSED AT THIS STAGE. THE INFORMAL GROUP ON BASELINES WAS ABLE TO PRODUCE A REVISED CONSOLIDATED TEXT (C.2/BUE PAPER NO. 4). THE INFORMAL WORKING GROUP ON HIGH SEAS IS PREPARING A TEXT WHICH SEEMS TO COMMAND WIDE SUPPORT AMONG THE MEMBERS OF THAT GROUP. THE SUBJECT MATTER BEFORE THESE TWO GROUPS IS OF A LESS CONTROVERSIAL NATURE AND MOST OF THE FORMULATIONS ARE DRAWN FROM THE 1958 GENEVA CONVENTION. THIS MAY EXPLAIN THE DEGREE OF PROGRESS ACHIEVED ON THOSE SUBJECTS.

THE INFORMAL WORKING GROUP ON THE TERRITORIAL SEA WAS NOT ABLE TO ARRIVE AT ANY RESULT AND DECIDED TO SUSPEND ITS MEETINGS. THE INFORMAL WORKING GROUP ON HISTORIC BAYS AND WATERS HAS BEFORE IT A NUMBER OF INFORMAL BLUE PAPERS (C.2/BUE PAPERS NOS. 1/REV.1, 2, 3 AND 3/REV.1) BUT UP TO NOW NO CONSENSUS HAS BEEN REACHED ON THOSE TEXTS. THE INFORMAL WORKING GROUP ON THE CONTIGUOUS ZONE WHICH HAS HELD ONLY ONE MEETING SEEMED TO SHOW SOME DEGREE OF AGREEMENT ON THE CONTENT OF THE CONTIGUOUS ZONE JURISDICTION. THE MEMBERS OF THIS GROUP ALSO SHOWED A DEGREE OF AGREEMENT THAT A STATE WHICH CHOOSES NOT TO EXTEND ITS TERRITORIAL SEA TO A 12-MILE LIMIT COULD HAVE A CONTIGUOUS ZONE UP TO THAT LIMIT.

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THE MAIN ISSUES HERE REMAIN THE INTERRELATIONSHIP
BETWEEN THE CONTIGUOUS ZONE AND THE ECONOMIC ZONE AND
THE QUESTION OF THE PLURALITY OF REGIMES.

THE INFORMAL WORKING GROUP ON THE QUESTION OF
TRANSIT HELD ONLY ONE MEETING. THE CHAIRMAN OF THE
SECOND COMMITTEE, HAVING IN MIND THE COMPLEXITY OF
THIS MATTER AND CONSIDERING THAT ITS RESOLUTION WOULD
FACILITATE THE TASK OF THE CONFERENCE, DECIDED FIRST
TO HOLD A PRELIMINARY MEETING WITH A SMALL GROUP OF
DELEGATIONS FROM BOTH SIDES TO DETERMINE THE POSSI-
BILITY OF INITIATING A PROCESS OF NEGOTIATION BETWEEN
THEM AND ESTABLISHING A WORKING GROUP ON THE SUBJECT.
THE MEETING DEFINITELY REVEALED THE WILLINGNESS OF
DELEGATIONS TO ENGAGE IN SUCH NEGOTIATIONS AND THERE-
AFTER THE CHAIRMAN ESTABLISHED A GROUP ON THE SUBJECT.
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OTHER GROUPS ALREADY IN EXISTENCE BUT WHICH HAVE
NOT MET SO FAR INCLUDE THE INFORMAL WORKING GROUPS
ON ARCHIPELAGOS, THE CONTINENTAL SHELF, DELIMITATION
AND INNOCENT PASSAGE. (SIC) GROUPS ON SUCH IMPORTANT QUES-
TIONS AS STRAITS, ISLANDS AND THE ECONOMIC ZONE WOULD
PROBABLY BEGIN MEETING AS OF NEXT WEEK.

ANOTHER PRIVATE GROUP IS ALSO WORKING ON THE
PROBLEMS OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES. THERE HAS BEEN ONLY SLOW PROGRESS ON
QUESTION WHETHER THERE SHOULD BE EQUAL RIGHTS FOR
EXPLORING AND EXPLOITING BOTH THE LIVING AND NON-
LIVING RESOURCES OF THE ZONE.

THE MAIN PURPOSE OF THE WORK OF THE PRIVATE GROUP ON SETTLEMENT OF DISPUTES HAS BEEN TO PREPARE SINGLE TEXTS FROM THE ALTERNATIVES IN A/CONF.62/L.7. THE ISSUES THAT HAVE SO FAR PROVED TO BE MOST CONTROVERSIAL ARE THE FOLLOWING:

- (A) THE ESTABLISHMENT OF A SYSTEM OF COMPULSORY JURISDICTION FOR ALL DISPUTES ARISING OUT OF THE CONVENTION; THE CREATION OF A LAW OF THE SEA TRIBUNAL;
- (B) THE RELATION BETWEEN SPECIAL PROCEDURES AND THE OVERALL MACHINERY FOR THE SETTLEMENT OF DISPUTES;
- (C) THE PROBLEMS OF THE PLURALITY OF JURISDICTION: INTERNATIONAL COURT OF JUSTICE, LAW OF THE SEA TRIBUNAL AND ARBITRATION;
- (D) THE QUESTION OF EXCLUSIVE NATIONAL JURISDICTION IN THE ECONOMIC ZONE: DELIMITATION BETWEEN NATIONAL AND INTERNATIONAL JURISDICTION;
- (E) THE ESTABLISHMENT OF A COMPULSORY CONCILIATION PROCEDURE AS A PRELIMINARY STAGE.

SEVERAL DRAFTS HAVE BEEN PRODUCED IN AN EFFORT TO RECONCILE DIFFERENT VIEWS EXPRESSED BY PARTICIPANTS ON THESE ISSUES AND IT IS HOPED THAT A DOCUMENT CAN BE PRODUCED BY THE MIDDLE OF NEXT WEEK.

OTHER QUESTIONS THAT HAVE BEEN FORMING THE SUBJECT OF INFORMAL OR PRIVATE NEGOTIATIONS ARE:
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GENERAL PROVISIONS OF THE ECONOMIC ZONE;
ARTIFICIAL ISLANDS AND INSTALLATIONS IN THE ECONOMIC ZONE;
LIVING RESOURCES OF THE ECONOMIC ZONE;
OPTIMUM UTILIZATION OF THE RESOURCES OF THE ECONOMIC ZONE;
CONSERVATION AND MANAGEMENT OF SUCH RESOURCES;
FISHING AGREEMENTS WITH NEIGHBOURING STATES;
GEOGRAPHICALLY DISADVANTAGED STATES;
LAND-LOCKED STATES;
HIGHLY MIGRATORY SPECIES;
ANADROMOUS STOCKS;
CATADROMOUS SPECIES.

CERTAIN ISSUES WERE NOT CONSIDERED UP TO NOW BY THE SECOND COMMITTEE TO ENABLE THE INFORMAL GROUPS TO PRODUCE SOME RESULTS WHICH WOULD CONTRIBUTE TO CONSTRUCTIVE NEGOTIATION IN THE COMMITTEE AS A WHOLE.

THERE IS STILL A MARKED DIVISION REGARDING THE RIGHTS OF LANDLOCKED AND OTHER GEOGRAPHICALLY DIS-

ADVANTAGED COUNTRIES IN THE ECONOMIC ZONE. NO REAL AGREEMENT SEEMS NEAR ALTHOUGH MUCH OF THE CONTROVERSY CENTERED AROUND OTHER GEOGRAPHICALLY DISADVANTAGED STATES.

THE GROUP OF 77 HAS HELD SEVERAL MEETINGS UNDER THE CHAIRMANSHIP OF AMBASSADOR KEDADI OF TUNISIA. THIS GROUP COORDINATES THE WORK OF THE THREE CONTACT GROUPS OF THE GROUP OF 77.

THE CHAIRMAN OF THE WORKING GROUP OF 77 ON SECOND COMMITTEE MATTERS, MR. FRANK NJENGA OF KENYA, IS PREPARING A PAPER ON THE ECONOMIC ZONE. THE RESULTS OF THE DISCUSSIONS IN THE GROUP OF 77 ARE AWAITED.

THIS IS THE PRESENT POSITION IN THE SECOND COMMITTEE.

THIRD COMMITTEE:

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THE THIRD COMMITTEE HAS HELD FOUR FORMAL MEETINGS, DURING WHICH SEVERAL PROPOSALS WERE INTRODUCED. THESE PROPOSALS ARE CONTAINED IN DOCUMENTS A/CONF.62/C.3/L.24, L.25, L.26, AND L.27. THE SECRETARIAT OF THE UNITED NATIONS HAS ALSO PRESENTED A STUDY TO THE COMMITTEE, WHICH THE COMMITTEE REQUESTED DURING THE SESSIONS IN CARACAS, THE STUDY BEING ON CERTAIN ASPECTS OF THE TRANSFER OF TECHNOLOGY. THIS STUDY IS CONTAINED IN DOCUMENT A/CONF.62XC.3/L.22. THE UNITED NATIONS ENVIRONMENT PROGRAMME IN RESPONSE TO A REQUEST BY THE THIRD COMMITTEE DURING THE CARACAS SESSION PRESENTED A STUDY ON THE GLOBAL ENVIRONMENTAL MONITORING SYSTEM OF UNEP, CONTAINED IN DOCUMENT A/CONF.62/C.3/L.23.

MOST OF THE WORK OF THE THRID COMMITTEE HAS BEEN CONDUCTED DURING ITS INFORMAL SESSIONS ON ITEM 12, THE PRESERVATION OF THE MARINE ENVIRONMENT AND ITEMS 13 AND 14, SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY. THESE INFORMAL SESSIONS ARE HELD ALTERNATIVELY DURING THE MORNINGS, WHILE AFTERNOONS HAVE BEEN PUT ASIDE AT THE DISPOSAL OF DELEGATIONS TO CONDUCT NEGOTIATIONS. THESE ARRANGEMENTS HAVE, UP TO NOW, PROVED SATISFACTORY IN ADVANCING THE WORK OF THE COMMITTEE, BUT OF LATE CERTAIN DIFFICULTIES HAVE ARISEN AS A RESULT OF MEETINGS OF REGIONAL GROUPS CONFLICTING WITH MEETINGS CONVENED BY THE CHAIRMEN OF THE INFORMAL SESSIONS. ON THIS POINT MY ONLY

EXHORTATION WOULD BE THAT THE TIMING OF MEETINGS OF ALL GROUPS-REGIONAL, FORMAL OR INFORMAL-BE FIXED BY THEIR CHAIRMEN OR CONVENERS IN CONSULTATION WITH THE MAIN COMMITTEE CHAIRMAN CONCERNED. THE CHAIRMAN OF THE THIRD COMMITTEE IN HIS STATEMENT BEFORE THE GENERAL COMMITTEE ON 15 APRIL PROPOSED THAT EVERY OPPORTUNITY SHOULD BE AFFORDED TO THE CHAIRMEN OF THE INFORMAL SESSIONS TO CARRY OUT WHATEVER NEGOTIATIONS THEY CONSIDERED NECESSARY FOR THE PROGRESS OF THE WORK OF THE COMMITTEE.

A STATEMENT OF WHAT THE INFORMAL SESSIONS OF THE COMMITTEE HAVE BEEN ABLE TO ACCOMPLISH UP TO NOW
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INFORMAL SESSIONS ON ITEM 12 (PRESERVATION OF THE MARINE ENVIRONMENT):

AT ITS 12TH MEETING, THE FIRST MEETING OF THE GENEVA SESSION, THE COMMITTEE RESUMED ITS WORK. THE CHAIRMAN MADE A STATEMENT SUMMARIZING THE RESULTS ACHIEVED AT CARACAS, AS REFLECTED IN DOCUMENT A/CONF.62/C.3/L.15. HE THEN OUTLINED THE ORGANIZATION OF WORK FOR THE CURRENT SESSION WHICH WAS DESIGNED TO ADVANCE THE WORK PREVIOUSLY ACCOMPLISHED. THIS ORGANIZATION CONSISTS OF THE PREPARATION OF COMMON TEXTS RELATING TO THE VARIOUS ITEMS CONTAINED IN DOCUMENT A/CONF.62/C.3/L.14/ADD.1. THIS PAPER, AS WILL BE RECALLED, SETS OUT PROPOSALS OR AMENDMENTS INTRODUCED BUT NOT YET DISCUSSED.

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ACCORDINGLY, WORK HAS BEGUN WITH THE TEXT RELATING TO MONITORING WHICH SHOULD BE FOLLOWED BY TEXTS RELATING TO THE QUESTION OF PUTTING "AN END TO VIOLATIONS AND TO THE EFFECTS THEREOF" AND TO STANDARDS.

AS IN CARACAS, THE ACTUAL WORK IS CARRIED OUT AT TWO LEVELS:

1. THE INFORMAL SESSION ON ITEM 12, AND
2. THE DRAFTING AND NEGOTIATING GROUP.

ON THE CHAIRMAN'S SUGGESTION MOST OF THE CURRENT WORK HAS BEEN TAKING PLACE AT THE LEVEL OF THE DRAFTING AND NEGOTIATING GROUP, AS THIS HAS CLEARLY BEEN THE MOST EFFICIENT MEDIUM FOR THE PREPARATION OF COMMON TEXTS.

TO DATE THE GROUP HAS PREPARED AND APPROVED A COMMON TEXT ON MONITORING CONTAINED IN DOCUMENT CRP/MP/16.

THE GROUP HAS BEGUN CONSIDERATION OF THE CRUCIAL QUESTION OF STANDARDS. FOR THIS PURPOSE THE GROUP FOLLOWS THE METHOD OF WORK APPROVED IN CARACAS (SEE DOCUMENT A/CONF.62/C.3/L.14) WHICH IS BASED ON VARIOUS SOURCES OF MARINE POLLUTION.

THE FIRST QUESTION UNDER THIS METHOD OF WORK,

MARINE POLLUTION FROM LANDBASED SOURCES, HAS BEEN ALREADY DISCUSSED AND A TEXT HAS BEEN APPROVED BY THE INFORMAL SESSION ON THE BASIS OF A DRAFT PRESENTED BY THE CHAIRMAN (SEE DOCUMENT CRP/MP/17/ADD.2).

A PROPOSAL DEALING WITH THE PREPARATION OF USSESSMENTS OF THE POTENTIAL EFFECTS ON THE MARINE ENVIRONMENT OF PLANNED ACTIVITIES, CONTAINED IN DOCUMENT CRP/MP/18, WAS APPROVED BY THE INFORMAL SESSION AT ITS LAST MEETING. THE SUBJECT BEING DISCUSSED BY THE GROUP IS "MARINE POLLUTION FROM ACTIVITIES CONCERNING EXPLORATION AND EXPLOITATION OF THE SEABED WITHIN THE AREAS OF NATIONAL JURISDICTION." UNCLASSIFIED

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THE QUESTION OF "OBLIGATION TO PUT AN END TO VIOLATIONS AND TO THE EFFECTS THEREOF," WILL BE TAKEN UP IN CONNECTION WITH THE QUESTION OF RESPONSIBILITY AND LIABILITY AND THE SETTLEMENT OF DISPUTES. INFORMAL SESSIONS ON ITEMS 13 AND 14: (SCIENTIFIC RESEARCH AND TRANSFER OF TECHNOLOGY).

DURING THE PERIOD 17 MARCH TO 12 APRIL THERE WERE SIX INFORMAL MEETINGS OF THE THIRD COMMITTEE DEALING WITH ITEMS 13 AND 14. SMALLER DRAFTING AND NEGOTIATING GROUPS COMPOSED OF THE MOST INTERESTED DELEGATIONS UNDER THE CHAIRMANSHIP OF MR. METTERNICH, HELD 11 MEETINGS ON THE SAME SUBJECTS.

THE INFORMAL MEETINGS DECIDED TO START THE DISCUSSION OF THE ITEMS WHICH HAD BEEN LEFT OVER FROM CARACAS AND, THEREFORE, DEALT FIRST WITH "STATUS OF SCIENTIFIC EQUIPMENT IN THE MARINE ENVIRONMENT."

THE DEBATE WAS QUITE EXHAUSTIVE, AND TOOK PLACE BOTH IN INFORMAL PLENARY MEETINGS AS WELL AS IN DRAFTING AND NEGOTIATING GROUPS.

VARIOUS DELEGATIONS SUBMITTED NEW TEXTS, WHICH WERE REPRODUCED IN DOCUMENT CRP/1. TWO FURTHER TEXTS, WHICH ATTEMPTED TO RACH A COMPROMISE, WERE SUBMITTED TO THE CHAIRMAN AS THE RESULT OF THE INTENSIVE NEGOTIATIONS AND WERE REPRODUCED IN CRP/2. IT WAS NOT POSSIBLE, HOWEVER, TO REACH AGREEMENT ON ANY SINGLE COMPROMISE TEXT, ALTHOUGH THREE SUBSEQUENT ATTEMPTS WERE MADE BY THE CHAIRMAN TO CONSOLIDATE IN ONE TEXT THE VARIOUS VIEWS EXPRESSED IN THE COURSE OF THE NEGOTIATIONS.

FINALLY IT WAS DECIDED TO "FREEZE" FOR THE TIME
BEING THE TWO ALTERNATIVE TEXTS CONTAINED IN CRP/2.

THE INFORMAL MEETINGS THEN WENT ON TO DISCUSS THE
ITEM "RESPONSIBILITY AND LIABILITY." THIS
DISCUSSION IS CONTINUING. VARIOUS DELEGATIONS
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PRESENTED NEW TEXTS, WHICH ARE CONTAINED IN DOCUMENTS
CRP/3,4,5,6, AND 7. AN ATTEMPT TO DRAFT A SINGLE
COMPROMISE TEXT WAS MADE AT THE LEVEL OF THE DRAFTING
AND NEGOTIATING GROUP.

A TENTATIVE AGREEMENT WAS REACHED ON A TEXT OF A
GENERAL NATURE AND WAS REPRODUCED IN CRP/8.

SOME DELEGATIONS, HOWEVER, STILL SEEM TO BELIEVE THAT
THIS COMPROMISE TEXT IS NOT SUFFICIENT AND SHOULD BE
SUPPLEMENTED.

WHEN THE DISCUSSION ON "RESPONSIBILITY AND LIABILITY"
IS COMPLETED, THE INFORMAL MEETINGS WILL, PRESUMABLY,
DECIDE TO DEAL WITH THE SUBJECT OF "CONDUCT OF MARINE
SCIENTIFIC RESEARCH," WHICH CONSTITUTES THE CRUCIAL
ISSUE WITHIN THE GROUP'S COMPETENCE. TWO MEETINGS OF
THE MOST INTERESTED DELEGATIONS HAVE SO FAR TAKEN PLACE
ON THIS SUBJECT. IT WAS SUGGESTED TO TAKE AS A FRAME-
WORK FOR DISCUSSION THE NEW TEXT (L.26) SUBMITTED BY
A GROUP OF SOCIALIST COUNTRIES AS THE TEXT APPEARED TO
BE QUITE COMPREHENSIVE. ON THE CHAIRMAN'S SUGGESTION,
DELEGATIONS HAVE ALREADY BEEN DISCUSSING THE QUESTION
AMONG THEMSELVES.

THE SUBJECT OF "TRANSFER AND DEVELOPMENT OF
TECHNOLOGY, HAS NOT YET BEEN DEALT WITH, ALTHOUGH
SOME DELEGATIONS EXPRESSED AT THE OUTSET THE VIEW THAT
THIS SUBJECT SHOULD BE DISCUSSED AS SOON AS POSSIBLE.
AN APPEAL WAS MADE TO ALL DELEGATIONS TO SUBMIT DRAFT
PROPOSALS ON THIS MATTER: HOWEVER, SO FAR NO NEW
TEXT HAS BEEN SUBMITTED, AND THE ONLY TEXT AS CARRIED
OVER FROM CARACAS (A/CONF.62/C.3/L.12) IS NOW BEING
DISCUSSED BY ITS OWN SPONSORS WITH A VIEW TO MAKING A
REVISION.

THE FOLLOWING COMMENTS ARE RELEVANT IN REGARD TO
THE ORGANIZATION OF WORK AND THE PROGRESS ACHIEVED IN
THE THIRD COMMITTEE.

THE PATTERN OF MEETINGS ESTABLISHED IN CARACAS
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HAS PROVED TO BE ADEQUATE FOR THE NEGOTIATING PROCESS. THE MOST FRUITFUL NEGOTIATIONS ARE TAKING PLACE ON THE INITIATIVE OF THE CHAIRMAN WHO BRINGS TOGETHER DELEGATIONS OF THE VARIOUS INTEREST GROUPS AND TRIES TO PRESENT AMALGAMATED COMPROMISE TEXTS TO THEM. ON THE OTHER HAND, THERE SEEMS TO BE TOO LITTLE READINESS ON THE PART OF THE DIFFERENT INTEREST GROUPS TO NEGOTIATE WITH ONE ANOTHER, WHILE PROBABLY A DISPROPORTIONATE AMOUNT OF TIME IS BEING SPENT BY SOME GROUPS IN DISCUSSING AND DEFINING THEIR OWN POSITION.

IT WOULD APPEAR THAT THE DECISION TO LEAVE THE AFTERNOONS FREE FROM GENERAL MEETINGS (BOTH FORMAL OR INFORMAL) HAS NOT PROVED AS SATISFACTORY UN ARRANGEMENT AS WAS EXPECTED, DUE TO THE FACT THAT THE TIME HAS BEEN UTILIZED MAINLY BY REGIONAL GROUPS, WHOSE DISCUSSIONS SOMETIMES TEND TO HARDEN THE ORIGINAL POSITIONS, RATHER THAN STIMULATING NEGOTIATION WITH OTHER GROUPS.

THE BUREAU OF THE THIRD COMMITTEE MET ON WEDNESDAY, 16 APRIL, AND DECIDED THAT FOR THE TIME BEING THE WORKING ARRANGEMENTS OF THE COMMITTEE SHOULD BE KEPT INTACT. THE BUREAU FELT THAT THE PROGRESS THE COMMITTEE HAS ACHIEVED TO DATE, ALTHOUGH SLOW, HAS BEEN COMPARATIVELY SATISFACTORY. THE CHAIRMEN WILL KEEP IN CLOSE TOUCH WITH DELEGATIONS WHEN CONSIDERING ANY FUTURE CHANGES. THIS CONCLUDES MY EVALUATION OF THE PROGRESS ACHIEVED SO FAR. END QUOTE.DALE

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